



Virginia  
Regulatory  
Town Hall

## Notice of Intended Regulatory Action Agency Background Document

<b>Agency Name:</b>	Board of Corrections
<b>VAC Chapter Number:</b>	6 VAC 15-40-10
<b>Regulation Title:</b>	Minimum Standards for Jails and Lockups
<b>Action Title:</b>	Review and update operational and supervision issues
<b>Date:</b>	9/1/00

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

### Purpose

*Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.*

The current regulations have been in place since August 10, 1995. Since the adoption of the Minimum Standards for Jails and Lockups, there have been a significant number of regional jails opened. The supervision in inmates in those facilities, as well as other jails within the Commonwealth, is direct versus linear and the current standards do not address this type of supervision. Further, many facilities are being accredited through the American Correction Association (ACA), therefore Board of Corrections standards would likewise need to conform to ACA standards. Given the need for amendment, the Board wishes to initiate the Administrative Process Act (APA) to amend these regulations.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.*

Section 53.1-68 of the Code of Virginia mandates that the Board of Corrections prescribe regulations to govern the administration and operation of local correctional facilities. Section 53.1-131 of the Code of Virginia mandates that the Board of Corrections prescribe regulations to govern local work release, educational, and other rehabilitative programs. The Office of the Attorney General confirms the statutory authority for these standards under Section 53.1-5 of the Code of Virginia.

### Substance

*Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.*

The Board of Corrections intends to review and update the Minimum Standards for Jails and Lockups to address operational and supervision issues relating to the opening of regional jails, as well as other jails within the Commonwealth. The issues to be addressed in the standards will be in the areas of staff training, reporting and review schedules, clarification of medical evaluation requirements, and supervision standards (i.e.. linear, direct or indirect).

### Alternatives

*Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.*

The recommendations for changes to the Minimum Standards for Jails and Lockups are substantive revisions that will require amendments promulgated through the Administrative Process Act (APA). No alternative exists that will effectively address these issues. When drafted, the proposed amendments will regulate only those necessary areas addressed in the Code of Virginia

### Family Impact Statement

*Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The recommendations of the proposed regulatory action will amend internal procedures, which should have no impact on the authority and rights of parents, economic self-sufficiency, marital commitment or family income.